

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARK A. BIZZELLE,

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Plaintiff

*

v.

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CIVIL ACTION NO. RWT-06-1514

JAMES SILVER,

*

Defendant.

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MEMORANDUM OPINION

On June 9, 2006, Plaintiff, who resides in Silver Spring, Maryland, filed the instant Complaint seeking \$5,000,000.00 in damages. He alleges "the above mention Defendant use member in his organization to commit these crime. I am asking the court too test Angelina Davis. She claim to have my baby. She is also stalking me." (Paper No. 1). Because he appears indigent, Plaintiff's Motion for Leave to Proceed In Forma Pauperis shall be granted pursuant to 28 U.S.C. § 1915(a). His Complaint, however, shall be summarily dismissed.

This court may preliminarily review the claims in Plaintiff's Complaint and dismiss the action prior to service if the court is satisfied that it has no factual or legal basis and it is frivolous on its face. See 28 U.S.C. § 1915(e), Neitzke v. Williams, 490 U.S. 319, 324 (1989); see also Cochran v. Morris, 73 F.3d 1310, 1314 (4th Cir. 1996). As explained by the Supreme Court in Neitzke: "Examples of [factually baseless lawsuits] are claims describing fantastic or delusional scenarios, with which federal district judges are all too familiar." Neitzke v. Williams, 490 U.S. at 328.

Plaintiff claims that Defendant has used “member[s] of his organization” to commit unspecified crimes and that Angelina Davis, a person not named as a Defendant in this case, claims to be the mother of his child and is stalking him. The Complaint clearly has no basis in law and shall be dismissed as frivolous without requiring service of process upon Defendant.

A separate Order follows.

Date: July 12, 2006

_____/s/_____
ROGER W. TITUS
UNITED STATES DISTRICT JUDGE